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प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Company Affairs)

NOTIFICATIONS

*New Delhi, the 18th September, 1975*

**S.O. 523(E).**—In pursuance of clause (b) of sub-section (7) of Section 58A of the Companies Act, 1956 (1 of 1956), the Central Government, after consultation with the Reserve Bank of India, hereby specifies all classes of financial companies as the companies to which no provision of section 58A of the Companies Act, 1956, (except the provisions relating to advertisement contained in clause (b) of sub-section (2) of that section) shall for the purposes of that clause, apply.

*Explanation.*—For the purposes of this notification, “financial company” means a non-banking company which is a “financial institution” within the meaning of clause (c) of Section 45-I of the Reserve Bank of India Act, 1934 (2 of 1934).

[No. 1/21/75-CL.XIV]

**S.O. 524(E).**—In exercise of the powers conferred by section 58A, read with Section 642, of the Companies Act, 1956 (1 of 1956), the Central Government, in consultation with

the Reserve Bank of India, hereby makes the following rules to amend the Companies (Acceptance of Deposits) Rules, 1975, namely:—

1. (1) These rules may be called the Companies (Acceptance of Deposits) Amendment Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. To sub-rule (3) of rule 1 of the Companies (Acceptance of Deposits) Rules, 1975 (hereinafter referred to as the said rules), the following proviso shall be added, namely:—

“Provided that nothing in these rules, except rule 4, shall apply to a non-banking company which is a financial institution within the meaning of clause (c) of Section 45-I of the Reserve Bank of India Act, 1934 (2 of 1934)”.

3. In rule 2 of the said rules in clause (b), after sub-clause (viii), the following sub-clause shall be inserted, namely:—

“(ix) any amount received from a person who, at the time of the receipt of the amount, was a director of the company or any amount received by a private company from its shareholders.”

4. In rule 3 of the said rules, in clause (i) of sub-rule (2), the brackets and words “(not being a deposit accepted by a private company from its shareholders)” shall be omitted.

5. In rule 4 of the said rules,—

(i) in sub-rule (1), for the words “intending to invite or accept deposits from the public, other than deposits from its directors”, the words “intending to invite or allowing or causing any other person to invite deposits” shall be substituted;

(ii) in sub-rule (3), for the words “upto the end of the financial year in which it is issued” the words “until the expiry of six months from the date of closure of the financial year in which it is issued or until the date on which the balance sheet is laid before the company in general meeting, or, where the annual general meeting for any year has not been held, the latest day on which that meeting should have been held in accordance with the provisions of the Act, whichever is earlier” shall be substituted.

6. For rule 8 of the said rules, the following rule shall be substituted, namely:—

“8. **General provisions regarding repayment of deposits.**—Where a company makes repayment of a deposit after the expiry of a period of six months from the date of such deposit but before the expiry of the period for which such deposit was accepted by the company, the rate of interest payable by the company on such deposit shall be reduced by two per cent from the contracted rate and the company shall not pay interest at any rate higher than the rate as so reduced:

Provided that nothing contained in this rule shall apply to the repayment of any deposit before the expiry of the period for which such deposit was accepted by the company, if—

(i) such repayment is made solely for the purpose of complying with the provisions of (a) the Non-Banking Non-Financial Companies (Reserve Bank) Directions, 1966 or (b) sub-rule (3) of rule 3; or

(ii) such repayment is made in pursuance of an option specified in the terms and conditions subject to which the deposit was accepted by the company.”

7. For rule 10 of the said rules, the following rule shall be substituted, namely:—

“10. **Return of deposits to be filed with the Registrar.**—(1) Every company to which these rules apply, shall on or before the 30th day of June, of every year, file with the Registrar a return in the form annexed to these rules and furnishing the information contained therein as on the 31st day of March of that year.

(2) A copy of the return shall also be simultaneously furnished to the Reserve Bank of India.”

8. After rule 12 of the said rules, the following shall be inserted, namely:—

FORM

[See rule 10]

*Return of deposits with non-banking companies other than financial companies as on the 31st March, 19....*

1. Name of the company—
2. Full Address of the
  - (a) Registered office —
  - (b) Head/Administrative office\*—
3. State in which the company is registered —
4. Status : \* Private/Public Limited company—
5. Registration No. of the company—
6. Date of
  - (a) Incorporation—
  - (b) Commencement of business —
7. Financial year of the company —
8. Main Business\* Manufacturing/Trading/Agriculture/Plantation/Any other (Please specify) —
9. Type of industry : (Cotton Textile, Sugar, Engineering etc.)—
10. Name (s) of the company's banker (s) and address (es) —

\* Strike off whatever is not applicable.

NOTE.—The return, after completion, should be filed with the Registrar of Companies with a copy to the Chief Officer, Department of Non-Banking Companies, Reserve Bank of India, Calcutta.

PART—A

*Deposits, etc. outstanding*

*As on 31st March, 19*

Types of deposits, exempted borrowings and receipts	No. of accounts	Amount (in thousands of rupees)
1	2	3

I. *Deposits of the kinds preferred to in Rule 3(2)(i) of the Rules*

- (a) Deposits received in the form of loans guaranteed by the former managing agents or secretaries and treasurers.
- (b) Unsecured debentures
- (c) Deposits including unsecured loans received from shareholders (not being shareholders of private limited company) but excluding those received from directors.
- (d) Deposits including unsecured loans guaranteed by directors in their personal capacity
- (e) Total (a + b + c + d)

1	2	3
II. Deposits of the kind referred to in Rule 3(2)(ii) of the Rules.		
(f) Fixed Deposits		
(g) Any other deposits (excluding those conforming to the requirements stipulated in Explanation 1 in Rule 3)		
(h) Total (f+g)		
III. Exempted borrowings not counting as deposits		
A. Under Rule 2		
(i) Money received from the Central Government or State Government or from any other source the repayment of which is guaranteed by the Central Government or a State Government or from a local authority		
	[Rule 2(b)(i)]	
(j) Money received from a foreign Government or any other foreign citizen, authority or person		
	[Rule 2(b)(ii)]	
(k) Borrowings from banks and other specified institutions		
	[Rule 2(b)(ii) & (iii)]	
(l) Money received from joint stock companies (including companies in the same group)		
	[Rule 2(b)(iv)]	
(m) Security deposits from employees		
	[Rule 2(b)(v)]	
(n) Money received from purchasing, selling or other agents for the purposes of business		
	[Rule 2(b)(vi)]	
(o) Other exempted borrowings		
	[Rule 2(b)(vii) & (viii)]	
B. Under Rule 3		
(a) Money received from directors		
(b) Money received from shareholders in the case of a private company		
(c) Secured deposits. Particulars of the nature and value of security, documents executed may be indicated separately in brief.		
Total of A & B		

## PART—B

*Particulars of Deposits, etc.**As on the 31st March, 19*

Types of Deposits	Particulars of deposits	No. of accounts	Amount (in thousands of rupees)
1	2	3	4
I. (a) Deposits Covered by Rule 3(2)(i)( <i>vide</i> item I of Part A)	1. Repayable on demand or on notice or otherwise in less than 3 months.		
	2. Repayable after a period of 3 months or more but less than 6 months.		
	1. Amount of deposits brought forward from the previous year.		
	2. Amount of deposits accepted or renewed during the year		
	Total		
	3. Amount of deposits repaid during the year		
	4. Balance of deposits outstanding at the end of the year.		
	5. Total amount of deposits repayable during the year, which remains unclaimed.		
	6. Total amount of deposits, repayable during the year, which though claimed, have not been repaid by the Company during the year and the aggregate amount of the deposits remaining so unpaid.		
II. Deposits covered by Rule 3(2)(ii) ( <i>vide</i> item II of Part A)	1. Repayable on demand or on notice or otherwise in less than 6 months.		
	1. Amount of deposits brought forward from the previous year.		
	2. Amount of deposits accepted or renewed during the year		
	Total :		
	3. Amount of deposits repaid during the year.		
	4. Balance of deposits outstanding at the end of the year.		

1	2	3
	5. Total amount of deposits, repayable during the year, which remains unclaimed.	
	6. Total amount of deposits, repayable during the year, which though claimed have not been repaid by the company during the year and the aggregate amount of the deposits remaining so unpaid.	

NOTE.—(1) The amounts shown against item 4 of I and II above should tally with the amounts shown at items I and II respectively of Part 'A'.

(2) If the aggregate amount of deposits not repaid exceeds Rs. 5 lakhs, the reasons for non-payment of each deposits and the steps taken for repayment should be indicated in one Annexure.

### PART—C

*Rates of interest (exclusive of brokerage) on Deposits, etc.*

*As on the 31st March, 19*

Types of deposits, exempted borrowings and receipts	Rate of interest	(Amount (in thousands of rupees)).
1	2	3
I. (a) Deposits covered by Rule 3(2)(i) ( <i>Vide</i> item I of Part A)	1. Below 6%. 2. 6% or more but less than 9%. 3. 9% or more but less than 11%. 4. 11% or more but less than 13%. 5. 13% or more but less than 15%. 6. 15% or more . . . . .	
	Total of 1 to 6 . . . . .	
II. Deposits covered by Rule 3(2)(ii) ( <i>Vide</i> item II of Part A).	1. Below 6%. 2. 6% or more but less than 9%. 3. 9% or more but less than 11%. 4. 11% or more but less than 13%. 5. 13% or more but less than 15%. 6. 15% or more . . . . .	
	Total of 1 to 6 . . . . .	



